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AMENDED IN ASSEMBLY JANUARY 29, 1996
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CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1376

Introduced by Assembly Member Bustamante

February 24, 1995

An act to amend Section 51018 of the Government Code, and to add Section 3233 to the Public Resources Code, relating to oil and gas.

LEGISLATIVE COUNSEL'S DIGEST

AB 1376, as amended, Bustamante. Oil spill reporting requirements.

Under existing law, every rupture, explosion, or fire involving a pipeline is required to be immediately reported by the pipeline operator to the fire department having fire suppression responsibilities and to the Office of Emergency Services, and is subject to additional specified reporting requirements.

~~This bill would vest in the Division of Oil, Gas, and Geothermal Resources of the Department of Conservation, the State Water Resources Control Board, and the Department of Fish and Game, exclusive authority to develop, and would require the division to implement, field~~

~~rules to determine the volumetric thresholds for reporting and notification requirements for crude oil spills associated with onshore drilling, production, and injection operations, as prescribed, and would exempt pipeline ruptures involving specified nonreportable crude oil spills from the above and other specified reporting requirements unless the spill involves a fire or explosion. The bill would prescribe related matters.~~

This bill would authorize the Division of Oil, Gas, and Geothermal Resources to develop field rules which establish volumetric thresholds for emergency notification by the operator of oil discharges to land associated with onshore drilling, exploration, or production operations, where the oil discharges cannot pass into or threaten the waters of this state, subject to the concurrences of the State Water Resources Control Board and the Department of Fish and Game, as specified. The bill would require the adoption of rules for the San Joaquin Valley oil fields by January 1, 1998, and to the extent resources are available, for the rest of the state by January 1, 1999. The bill would prescribe related requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51018 of the Government Code
2 is amended to read:
3 51018. (a) Every rupture, explosion, or fire involving
4 a pipeline, including a pipeline system otherwise
5 exempted by subdivision (a) of Section 51010.5, and
6 including a pipeline undergoing testing, shall be
7 immediately reported by the pipeline operator to the fire
8 department having fire suppression responsibilities and
9 to the Office of Emergency Services. In addition, the
10 pipeline operator shall within 30 days of the rupture,
11 explosion, or fire file a report with the State Fire Marshal
12 containing all the information that the State Fire Marshal
13 may reasonably require to prepare the report required
14 pursuant to subdivision (d).



(b) (1) The Office of Emergency Services shall immediately notify the State Fire Marshal of the incident, who shall immediately dispatch his or her employees to the scene. The State Fire Marshal or his or her employees, upon arrival, shall provide technical expertise and advise the operator and all public agencies on activities needed to mitigate the hazard.

(2) For purposes of this subdivision, the Legislature does not intend to hinder or disrupt the workings of the “incident commander system,” but does intend to establish a recognized element of expertise and direction for the incident command to consult and acknowledge as an authority on the subject of pipeline incident mitigation. Furthermore, it is expected that the State Fire Marshal will recognize the expertise of the pipeline operator and any other emergency agency personnel who may be familiar with the particular location of the incident and respect their knowledgeable input regarding the mitigation of the incident.

(c) For purposes of this section, “rupture” includes every unintentional liquid leak, including any leak that occurs during hydrostatic testing, except that a crude oil leak of less than five barrels from a pipeline or flow line in a rural area, or any crude oil or petroleum product leak in any in-plant piping system of less than five barrels, when no fire, explosion, or bodily injury results or no waterway is contaminated thereby, does not constitute a rupture for purposes of the reporting requirements of subdivision (a).

(d) The State Fire Marshal shall, every fifth year commencing in 1999, issue a report identifying pipeline leak incident rate trends, reviewing current regulatory effectiveness with regard to pipeline safety, and recommending any necessary changes to the Legislature. This report shall include all of the following: total length of regulated pipelines, total length of regulated piggable pipeline, total number of line sections, average length of each section, number of leaks during study period, average spill size, average damage per incident, average age of leak pipe, average diameter of leak pipe, injuries

1 during study period, cause of the leak or spill, fatalities
2 during study period, and other information as deemed
3 appropriate by the State Fire Marshal.

4 (e) This section does not preempt any other
5 applicable federal or state reporting requirement.

6 (f) Except as otherwise provided in this section and
7 Section 8589.7, a notification made pursuant to this
8 section shall satisfy any immediate notification
9 requirement contained in any permit issued by a
10 permitting agency.

11 (g) This section does not apply to pipeline ruptures
12 involving nonreportable crude oil spills under Section
13 3233 of the Public Resources Code, unless the spill
14 involves a fire or explosion.

15 SEC. 2. Section 3233 is added to the Public Resources
16 Code, to read:

17 ~~3233. (a) The division, the State Water Resources~~
18 ~~Control Board, and the Department of Fish and Game~~
19 ~~shall have the exclusive authority to develop, and the~~
20 ~~division shall implement, field rules as authorized under~~
21 ~~subdivision (k) of Section 1722 of Title 14 of the California~~
22 ~~Code of Regulations to determine the volumetric~~
23 ~~thresholds for reporting and notification requirements~~
24 ~~for crude oil spills associated with onshore drilling,~~
25 ~~production, and injection operations. Field rules~~
26 ~~containing volumetric thresholds shall be developed for~~
27 ~~Central Valley oil fields, as defined by the division, by July~~
28 ~~1, 1997, and for the remainder of the state by January 1,~~
29 ~~1998. When sufficient information becomes available, the~~
30 ~~reporting requirements in the field rules may be revised~~
31 ~~by the division, the State Water Resources Control Board,~~
32 ~~and the Department of Fish and Game, and implemented~~
33 ~~by the division, to accommodate new conditions. When~~
34 ~~establishing field rules for reporting crude oil spills, the~~
35 ~~following factors shall be considered:~~

36 ~~(1) Whether the spill will be in an area with~~
37 ~~engineered containment, as defined in the field rules.~~

38 ~~(2) For areas outside of engineered containment, the~~
39 ~~probability that a spill will enter waters of the state, as~~

1 ~~defined in subdivision (c) of Section 13050 of the Water~~
2 ~~Code.~~

3 ~~(b) In no case shall the reporting thresholds for any~~
4 ~~crude oil spill to land occurring within the boundary of an~~
5 ~~onshore oil field regulated by the division be less than one~~
6 ~~barrel of oil.~~

7 ~~(c) Crude oil spills determined to be nonreportable by~~
8 ~~the division, the State Water Resources Control Board,~~
9 ~~and Department of Fish and Game shall be exempt from~~
10 ~~the reporting requirements, and any penalties provided~~
11 ~~for nonreporting, established under paragraph (1) of~~
12 ~~subdivision (a) of Section 13260 of the Water Code,~~
13 ~~subdivisions (a), (c), and (e) of Section 13272 of the~~
14 ~~Water Code, Section 25507 of the Health and Safety Code,~~
15 ~~Sections 8670.25.5 and 51018 of the Government Code,~~
16 ~~and subdivision (h) of Section 1722 of Title 14 of the~~
17 ~~California Code of Regulations. Crude oil spill reporting~~
18 ~~requirements under Section 51018 of the Government~~
19 ~~Code shall be applicable if a spill involves a fire or~~
20 ~~explosion.~~

21 ~~(d) This section shall not affect existing reporting~~
22 ~~requirements under federal law.~~

23 ~~(e) Compliance with reporting requirements~~
24 ~~contained in field rules shall be deemed to constitute~~
25 ~~compliance with all state spill reporting and notification~~
26 ~~requirements.~~

27 *3233. (a) The division may develop field rules which*
28 *establish volumetric thresholds for emergency*
29 *notification by the operator of oil discharges to land*
30 *associated with onshore drilling, exploration, or*
31 *production operations, where the oil discharges, because*
32 *of the circumstances established pursuant to paragraph*
33 *(1) of subdivision (c), cannot pass into or threaten the*
34 *waters of the state. The division may not adopt field rules*
35 *under this section, unless the State Water Resources*
36 *Control Board and the Department of Fish and Game*
37 *first concur with the volumetric notification thresholds*
38 *contained in the proposed field rules. Subchapter 1*
39 *(commencing with Section 1710) of Chapter 4 of Division*
40 *2 of Title 14 of the California Code of Regulations shall*

1 *apply to the adoption and implementation of field rules*
2 *authorized by this section.*

3 *(b) Field rules containing volumetric notification*
4 *thresholds shall be adopted for San Joaquin Valley oil*
5 *fields, as defined by the division, not later than January 1,*
6 *1998. To the extent that resources are available, the*
7 *division shall adopt field rules for the remainder of the*
8 *state not later than January 1, 1999.*

9 *(c) For purposes of implementing this section, the*
10 *division, the State Water Resources Control Board, and*
11 *the Department of Fish and Game shall enter into an*
12 *agreement that defines the process for establishing both*
13 *of the following:*

14 *(1) The circumstances, such as engineered*
15 *containment, under which oil discharges cannot enter or*
16 *threaten the waters of this state.*

17 *(2) The volumetric notification thresholds that are*
18 *applicable under the circumstances established pursuant*
19 *to paragraph (1).*

20 *(d) In no case shall a notification threshold established*
21 *in the field rules, where the oil discharge cannot pass into*
22 *or threaten the waters of this state, be less than one barrel*
23 *(42 gallons), unless otherwise established by federal law*
24 *or regulation. Until field rules are adopted, emergency*
25 *notification of oil discharges shall continue as required by*
26 *existing statute and regulations.*

27 *(e) An operator who discharges oil in amounts less*
28 *than the volumetric thresholds adopted by the division*
29 *pursuant to this section is exempt from all applicable state*
30 *and local reporting requirements. Discharges of oil in*
31 *amounts equal to, or greater than, the volumetric*
32 *thresholds adopted by the division pursuant to this*
33 *section shall be immediately reported to the Office of*
34 *Emergency Services which shall inform the division and*
35 *other local or state agencies as required by Section 85897.7*
36 *of the Government Code. Notification to the Office of*
37 *Emergency Services shall be deemed to be in compliance*
38 *with all applicable state and local notification*
39 *requirements.*

1 (f) Oil discharges below the notification thresholds
2 established in the field rules shall be exempt from the
3 emergency notification or reporting requirements, and
4 any penalties provided for nonreporting, established
5 under paragraph (1) of subdivision (a) of Section 13260
6 of the Water Code, subdivisions (a), (c), and (e) of
7 Section 13272 of the Water Code, Section 25507 of the
8 Health and Safety Code, Sections 8670.25.5 and 51018 of
9 the Government Code, and subdivision (h) of Section
10 1722 of Title 14 of the California Code of Regulations. Oil
11 discharge reporting requirements under Section 51018 of
12 the Government Code shall be applicable if a spill
13 involves a fire or explosion.

14 (g) This section shall not affect existing notification
15 requirements under federal law.

16 (h) Nothing in this section shall be construed to relieve
17 any party of any responsibility established by statute,
18 regulation, or order, to clean up or remediate any oil
19 discharge, whether reportable or exempt pursuant to this
20 section.

21 (i) Notification provided pursuant to this section is not
22 intended to prohibit any department or agency from
23 seeking and obtaining any supplemental postnotification
24 information to which the department or agency might
25 otherwise be entitled.

26 (j) For purposes of this section, "oil" means naturally
27 occurring crude oil.